

STATE OF KANSAS



TEMPORARY ASSISTANCE FOR NEEDY FAMILIES STATE PLAN

Effective July 1, 2013

***Submitted Pursuant to Public Law 104-193
The Personal Responsibility and Work Opportunity
Reconciliation Act of 1996***



Kansas Temporary Assistance for Needy Families Program State Plan

The Temporary Assistance for Needy Families (TANF) Program is administered by the Kansas Department for Children and Families (DCF), Family Services Division. The agency's mission is to protect children, promote healthy families and encourage personal responsibility. The agency's objectives follow:

- Strengthen families
- Safely reduce the number of children in care
- Promote employment
- Exercise responsible stewardship of public resources
- Build public/private partnerships

The TANF program is state-administered and available in all political subdivisions of the state. The regulations, policies and procedures for the administration of the TANF programs are promulgated at the Central Office level and implemented by field staff in the local offices.

Part 1. TANF Program Descriptions

TANF Cash Assistance

TANF Purpose: 1
Funding: TANF and State Maintenance of Effort

The purpose of this program is to provide temporary cash assistance to needy families with at least one child in the home. The child may be an unborn baby or a child under age 18. The child may also be temporarily absent out of the home for up to 180 days, if the intent is for the child to return to the home. Cash assistance payments are made through Electronic Benefit Transfer (EBT). Eligibility, benefit standards and time limits are detailed in Appendix 1.

TANF Non-Recurrent Expenditures

TANF Purpose: 1
Funding: TANF

Kansas provides a diversion (non-recurrent) payment for qualifying families in lieu of cash assistance. It is designed to help TANF eligible adults with dependent children when there is a crisis or emergency hardship that would jeopardize their ability to remain employed or to accept an offer of employment.

Family Preservation

TANF Purpose: 1
Funding: TANF and State Maintenance of Effort

Family Preservation Services are intensive in-home services offered to families who are in imminent danger of having a child come into the custody of the State and removed from their home unless the family can make the changes necessary to provide adequate care and safety. Families must be below 200 percent of the FPL to qualify for this program. Services assist the family in identifying and understanding the problems within the family that place a child at risk of out-of-home placement and assists them in finding ways to change how the family unit functions. It is the expectation that the delivery of services will decrease the number of children placed in foster care and maintain troubled families intact without additional costly

services. There are no work requirements for program recipients. Examples of the services provided for family preservation include the following:

- In-home family therapy
- Individual therapy
- Case management
- Custody supervision
- Parenting education
- Homemaker education
- Advocacy
- Attendant care
- Respite care

Four Year-Old At-Risk Program

TANF Purpose: 1

Funding: State Maintenance of Effort

This program provides early childhood education program for four-year old at-risk children. The objectives of this program are to help preschool children acquire the tools necessary to successfully transition to kindergarten, increase parent participation during the elementary years, reduce the number of at risk children retained in grade during their primary school years and reduce the number of at-risk children who are referred for special education evaluations.

The Four Year-old At-Risk program is available for families who meet one of the following criteria:

- Below 130 percent of the federal poverty level.
- The custodial parent is unmarried.
- At least one parent was a teen when the child was born.
- The child was referred by DCF, Prevention and Protection Services (PPS).
- At least one parent lacks a high school diploma or GED.
- The child is developmentally or academically delayed, based on validated assessment.
- The child has limited English proficiency.

Family Prevention Services

TANF Purpose: 1

Funding: TANF

Family support services will be provided to families whose child is at risk of being removed from the home. Approximately 24 family prevention positions will assist in assessing the family's and individual needs, provide case management and refer families to potential resources. Families receiving these services may do so voluntarily or to fulfill a condition for the child to remain in the home. Services financed by TANF funds are restricted to families with incomes below 200 percent of poverty.

Intercept Program

TANF Purpose: 1

Funding: TANF

The Intercept Program provides intensive in-home services for children and youth who would otherwise be placed in foster care, residential treatment, detention centers, hospitals or other juvenile facilities. The objective of the program is to divert children from out-of-home placements by providing guidance and treatment resources for youth and families in their own homes. The population served is families below 200 percent of poverty who are in crisis and at risk of hospitalization. TANF funds pay for parent support/training and wrap-around services.

Kansas Early Head Start

TANF Purpose: 1
Funding: State Maintenance of Effort

The Kansas Early Head Start (KEHS) program promotes healthy prenatal outcomes for pregnant women; aids in school readiness by enhancing children's physical, social, emotional and cognitive development; assists parents as the primary teacher to their children; and helps parents meet their own goals, including that of economic independence. KEHS is an intensive, comprehensive, child development program that is designed to promote healthy families, job preparation and employment for the parents. This voluntary program provides direct services to families with incomes at or below the FPL. 10 percent of the enrollment is reserved for children with special needs. MOE expenditures are claimed for this program.

TANF Employment Services

TANF Purpose: 2
Funding: TANF and State Maintenance of Effort

TANF provides employment preparation services to TANF cash assistance recipients and to former TANF recipients during the 12-month period following cash assistance. The goal of these services is to provide the opportunities for TANF recipients to advance in the labor market and reach self-sufficiency. Kansas is committed to helping welfare recipients remove employment barriers, improve their employment histories, and improve the quality of their jobs. The expectation is that adults will be engaged in full-time unsubsidized employment before their 48-month TANF time limit expires.

All adult TANF recipients, except those with a child under age two months and those needed in the home to care for a disabled household member, must meet work requirements to continue receiving cash assistance for their family. Recipients are placed in assignments that best address individual needs. Minimum weekly requirements are 30 hours in a one-adult household and 35 or 55 hours in two-adult households, depending on whether child care is provided. The maximum assignment is 40 hours per week per individual. Applicants are required to complete registration with KansasWorks and complete at least one module in KeyTrain (administered through the Kansas Department of Commerce), followed by 20 hours per week of job search until their self-sufficiency plan is developed. Participants will be engaged in work as soon as they are determined ready through the employment assessment process, but not later than 24 months (non-consecutive) after the initial receipt of TANF cash assistance.

Kansas opts out of the Community Service Option which requires a parent or caretaker receiving TANF assistance to participate in community service employment after receiving such assistance for a period of two months.

Employment preparation services include job search, job readiness activities, job retention activities, education, job skills training, case management, supervised community service and work experience. Supportive services are also available to TANF recipients and former TANF recipients transitioning to employment. These services include transportation, child care and special services allowance as well as case management, contracted employment services, education and training. TANF Employment Services are detailed in Appendix 2.

State Earned Income Tax Credits

TANF Purpose: 2
Funding: State Maintenance of Effort

Kansas provides a state earned income tax credit (EITC) to low income families who meet the eligibility guidelines for the federal earned income tax credit. The state EITC is based on a percentage of the federal

earned income tax credit. This tax credit serves as an incentive for adults to work and helps reduce welfare dependency. The State claims MOE from the amount of the State EITC which is refunded to families, less the estimated portion that is subject to State debt setoff. Should Kansas adopt other refundable income tax credits for low income families, the refundable portion of those credits may also be claimed as MOE.

Child Care Assistance for TANF Families

TANF Purpose: 2
Funding: State Maintenance of Effort

Child care is provided to TANF families as a support service to enable the adult to participate in work activities or education/training. State expenditures for TANF families receiving child care assistance are claimed toward the state maintenance of effort.

Child Care Assistance for Employed Families

TANF Purpose: 2
Funding: TANF and State Maintenance of Effort

The Child Care for Employed Families program provides financial assistance to families to assist with child care costs. Families must show a need for child care, such as employment, education or training. Families must be below 185 percent of the FPL to qualify for this program. The Child Care for Employed Families program promotes family economic self-sufficiency and to help children succeed in school and in life through affordable, high-quality early care and education and after school programs.

Communities In Schools of Mid-America

TANF Purpose: 3
Funding: TANF

Communities In Schools of Mid-America will provide case management services to at-risk students which focus on improving academics, behavior, attendance and graduation rates. Services provided will meet TANF purpose 3 to prevent and reduce the incidence of out-of-wedlock pregnancies by providing intervention and improved life prospects for students who show evidence of failing, dropping out or engaging in negative behaviors that can lead to dependency, out-of-wedlock births, imprisonment, and/or other undesirable outcomes which may lead to the detriment and impoverishment of youth.

Jobs for America's Graduates

TANF Purpose: 3
Funding: TANF

The Jobs for America's Graduates – Kansas program helps students at risk of failing in school, provides an avenue for achieving academically, and assists students in ultimately earning recognized credentials that will make it possible for them to exit school and enter post-secondary education and/or the workforce. Services provided meet TANF purpose 3 (to prevent and reduce the incidence of out-of-wedlock pregnancies) by providing intervention and improved life prospects for students who show evidence of failing, dropping out or engaging in negative behaviors that can lead to dependency, out-of-wedlock births, imprisonment, and/or other undesirable outcomes which may lead to the detriment and impoverishment of youth. Eligible participants must face at least three designated barriers to success that include academic, personal, environmental or economic barriers.

Kansas Reading Roadmap

TANF Purpose: 3
Funding: TANF

The fundamental goal of the Kansas Reading Roadmap is to improve the percentage of fourth graders reading at grade level. Approximately \$10 million is committed to this program. Early literacy problems become more pronounced in middle and high school, and research reveals that academic failure leads to other social problems, creating a high correlation between early elementary reading problems and the eventual dropping out of high school, teen pregnancy, and involvement with the juvenile and adult corrections systems. This initiative brings together a coordinated framework of targeted interventions proven to meet individualized needs. It is structured to include different levels of intervention based on students' individual needs. It starts with a limited intervention and progresses to a more intensive level, as appropriate for the child's success. At least 45 rural sites and 10 urban sites participate. The grant also includes funds for an evaluation.

Home Visitation Services

TANF Purpose: 3
Funding: TANF

Home visitation services encompassing child development and parent support services are provided to low-income pregnant women and families with young children. The services are provided through grants to local organizations, and will target regions of the state with high out-of-home removal rates.

Early Steps to School Success

TANF Purpose: 3
Funding: TANF

Early Steps to School Success provides early childhood education services to pregnant women and children through age five years old, and their parents. The program also provides ongoing training to early childhood educators in communities. The objective of the program include: 1) ensuring that children are prepared with the necessary skills when entering school, 2) assisting parents in supporting their children's education, 3) enforcing strong connections between the home and school and 4) expanding early childhood knowledge and skills in communities.

Accelerating Opportunities – Kansas

TANF Purpose: 3
Funding: TANF

Accelerating Opportunities – Kansas (AO-K) is a career pathway program designed to deliver career and technical education simultaneously with adult basic skills or remedial instruction. Students complete short-term certificate programs aligned with labor market needs, leading to industry-endorsed credentials and immediate jobs. Jobs for America's Graduates-Kansas (JAG-K) graduates are eligible for extended training for marketable skills through the Kansas Board of Regents Community Colleges and Technical Schools. By providing post-secondary education with supportive services through the AO-K model, JAG-K graduates will continue to achieve success. These improved life prospects for students will reduce the incidence of out-of-wedlock births, thereby meeting TANF purpose 3.

Project Impact

TANF Purpose: 3
Funding: TANF

The Project IMPACT Youth Action Network targets 700 primarily black, Hispanic, and multiracial youth aged 14-17 years old who reside in the state's most high-risk/low-protective counties defined as those with 12 or

more combined risk and protective factors. These issues range from early initiation into and favorable attitudes toward antisocial behavior and drug use to gang involvement, to a variety of family challenges. These factors also include academic failure, low school commitment, and the stress of living in disorganized communities. The purpose of Project IMPACT Leadership programs is to decrease the risk factors (drop-out rates, out-of-wedlock births, negative contact with the juvenile justice system) and increase protective factors (graduation, fewer out-of-wedlock births, no contact with the criminal justice system), thereby meeting TANF purpose 3.

e.p.i.c.skillz

TANF Purpose: 3
Funding: TANF

The e.p.i.c.skillz program is an expanded learning opportunity for middle school students offering an alternative pathway to earning high school credit. The program is designed to build workforce skills, promote innovative thinking, increase engagement and incentivize experiential learning for at-risk youth. Students in KDBCS build essential skills for college and career readiness through hands-on learning activities in and out of the classroom. The program's name "e.p.i.c.skillz," reflects an effort to appeal to the target-age group. This effort will target schools in Hutchinson, which are considered rural and in need of dropout prevention services and programming for at-risk students.

Domestic Violence/Sexual Assault (DV/SA)

TANF Purpose: 3 and 4
Funding: TANF

This program includes expenditures for TANF recipients to promote safety planning, mentoring services, healthy relationship training, conflict-resolution training, financial literacy training, and responsible parenting skills for DV/SA survivors. Expenditures for non-TANF recipients for financial literacy, responsible parenting through education, counseling, mentoring and mediation, conflict resolution, healthy relationship education and skills training, and out-of-wedlock pregnancy prevention, are provided to DV/SA survivors and their families. This is in keeping with TANF purposes 3 and 4.

Kansas Alliance of Boys and Girls Club

TANF Purpose: 3 and 4
Funding: TANF

The Boys & Girls Club provides a comprehensive abstinence based teen pregnancy prevention and education program to at-risk youth in Hutchinson, Manhattan, Wichita, Topeka, Lawrence and Kansas City. Curriculums will be utilized to develop skills to resist alcohol, tobacco and other drugs as well as pregnancy prevention and premature sexual activity through abstinence-based curriculum. Other curriculum includes skill building regarding healthy relationships, career exploration, job-readiness, placement and career decision-making support. There are no income eligibility criteria.

Fatherhood and Healthy Families Services

TANF Purpose: 3 and 4
Funding: TANF

Fatherhood and pro-family services range from targeted interventions to pre-release prisoners and at-risk neighborhoods to marriage education and mentoring to adults and families in poverty. Examples of these services include:

- Healthy Marriage Education provides an array of services to include one-on-one individual and couple support, marriage education and activities to strengthen family bonds and healthy relationships. There are no income eligibility criteria, however, these services are provided to families in poverty.

- Healthy Family Supports provides prevention services to families at risk of their children being removed from their home. Supports include in-home coaching, referral to community-based services/programs and other resources, respite care and other similar services.
- Targeted Support to High Need Populations provides employment, healthy marriage and family relationship training, responsible fatherhood training, positive parenting skills education.
- Prisoner Re-entry Fatherhood Services trains trainers who provide intensive/research-based fathering education to prisoners re-entering communities.
- Connections to Success assigns a case manager volunteer mentor to men receiving assistance from this agency. The initiative provides workforce readiness skills, cognitive-skill building, job placement and retention, health and wellness, financial education, literacy and GED.
- Strong Dads is a program that provides advocates to engage fathers in the education and caregiving of their children and provide mentors for fathers in poverty. Services are provided through EHS or Head Start (HS) sites. There are no income eligibility criteria however, only families involved in HS or EHS are eligible.

Family Emergency Assistance

TANF Purpose: Expenditures authorized solely under prior law
 Funding: TANF

The Kansas Family Emergency Assistance State Plan, in effect in July 1995, sets out the following eligibility requirements and service limits:

- **Eligibility.** Abuse, neglect and abandonment of a child qualify as emergency situations. Similarly, situations resulting in a child being at risk of transfer of custody, an out-of-home placement, or an institutional placement, qualify as emergencies. In addition, the child must have lived recently with a parent or caretaker. Foster care cases qualify for emergency services. Services and assistance necessary to meet the emergent need are allowable as long as the assistance is not provided under Title IV-E foster care services or Title XIX Medicaid services.
- **Allowable Services for TANF Expenditures.** The following services are provided to children and families:
 - Needs assessment and investigation
 - Shelter, foster care, kinship care, or group residential care for children
 - Emergency shelter
 - Rental assistance (Up to \$400 per month for two months; also, rent deposit up to \$400)
 - Adaptation of client residence
 - Emergency utilities (up to \$500), home repair (up to \$1,000), home furnishings (up to \$1,000), clothing (up to \$250 per person)
 - Other goods and services to meet emergent family needs up to \$1,000
 - Case management, counseling, therapy, in-home intensive family services, parenting education, household management training, family support and development services, child care and respite care, and any other social services necessary to alleviate an emergent situation and maintain a child in the home
- **Duration of Services.** Emergency services are limited to a maximum of 364 days in a 12 month period.

Part 2. Fair and Equitable Treatment

Eligibility for assistance is based on financial and non-financial eligibility guidelines which are the same statewide. A statewide matrix of benefit levels as established by Kansas Administrative Regulation is used to determine the amount of assistance for each eligible family. Eligibility guidelines and benefit levels are published in the Kansas Administrative Regulations and in the Kansas Economic and Employment Services Manual. The manual is available to the public on the internet and is available for review in the DCF offices. Changes to regulations require approval of the State's Rules and Regulations Board comprised of state representatives and senators, a representative of the Department of Administration, and the Attorney General. Regulation changes are published in the *Kansas Register*, announced in an open meeting, and held in abeyance for 30 days for comment.

Part 3. State Administrative Appeal Process

Current applicants/recipients, former applicants/recipients or other interested persons (including vendors) who are dissatisfied with any action concerning the furnishing or denial of TANF assistance have the right to conciliation, an administrative review, a fair hearing, and a review by the State Appeals Committee. Once those avenues have been exhausted, the matter may be appealed to the district court. The appeal process is detailed in Appendix 4.

Part 4. Disclosure of Information about Individuals and Families Receiving Assistance

Rules on the disclosure of information are found in Appendix 5.

Part 5. Summary of Activities to Reduce Out-of-Wedlock Births and Promote Marriage

The Boys & Girls Club provides a comprehensive Teen Pregnancy Prevention and Education program to *at-risk* youth in Hutchinson, Manhattan, Wichita, Topeka, Lawrence and Kansas City. Curriculums develop skills to resist alcohol, tobacco, and other drugs and as well as pregnancy prevention and premature sexual activity through abstinence based curriculum. Other curriculum includes skill building regarding healthy relationships, career exploration, job readiness, placement and career decision-making support. Each of these skills will reduce out-of-wedlock pregnancy.

Part 6. Strategies for Reducing Out-of-Wedlock Births, Particularly Teen Pregnancies

Kansas is directing TANF funds, under TANF Purpose 3 and 4, to programs such as JAG-K, Communities In Schools of Mid America (CIS-Mid America), and the Kansas Alliance for the Boys & Girls Club. These programs focus on high-risk children with the goal of keeping them in school through education, mentorships and real life skill building. Children with a high school diploma are less likely to have children out-of-wedlock.

Part 7. Strategies to Assist in Employment in Eldercare

DCF, in partnership with the Kansas Department of Commerce, applied for and received a Health Profession Opportunity grant from ACF in October 2010. This grant, designed to educate and train 500 TANF recipients and other low-income individuals in high-demand occupations in the health care field, is

available for up to five years. Kansas Health Professions Opportunity Project (KHPOP) features several innovative elements: career coaches, incentives for GED completers, financial assistance for employers, high-definition video conferencing, Work Opportunity Tax Credit and Federal Bonding. Training is available for a wide variety of fields, beginning with CNAs, CMAs, and continuing up through four years of educational occupations. Training is also available for stackable credentials or licenses, thereby providing on-going training to eligible participants. By providing these opportunities to Kansans in medical fields, we are opening up employment opportunities to those previously ignored populations. Many of these occupations will serve our expanding elderly population.

Part 8. State Statutory Rape Prevention and Education Program

The Kansas Coalition on Domestic Violence and Sexual Assault provides training and technical assistance to local rape crisis centers as well as local police departments upon request. Training may include the issue of statutory rape. Training is provided without distinguishing between genders. The YWCA offers sexual violence prevention programs which include boys at the Shawnee County Juvenile Detention Center and programs at high schools and middle schools, utilizing *Menswork* curriculum and *Men Can Stop Rape* resource. The Topeka Police Department is creating a training curriculum designed specifically around the issue of statutory rape. This training will be available to school resource counselors and other law enforcement offices throughout the State of Kansas. Kansas Annotated Statute 21-3502, Crimes and Punishment also does not distinguish between genders.

Kansas TANF State Plan Certifications

I, Phyllis Gilmore, Secretary of the Department for Children and Families of the State of Kansas, hereby certify the following:

- Kansas will operate a Child Support Enforcement program approved under Part D of the State Plan.
- Kansas will operate a foster care and adoption assistance program approved under Part E of the State Plan and will take such actions as necessary to ensure that children receiving assistance under such part are eligible for medical assistance under the Title XIX State Plan.
- The Kansas Department for Children and Families will administer and supervise the program under Part A in all political subdivisions of Kansas.
- Local governments and private sector organizations in Kansas have been consulted regarding the plan and design of welfare services in Kansas and have had 45 days to comment on the plan and design of services. The State collaborates with representatives from all relevant state agencies (Departments for Children and Families, Human Resources, Education, Board of Regents, Commerce, and Health and Environment), welfare advocates and community partners throughout the year. Substantive State Plan changes are published in the *Kansas Register* with 45 days for public comment. Announcement of the submittal of a revised State Plan was made in the November *Kansas Register*. No changes have been made to the State Plan since January 2014.
- Kansas will provide each member of an Indian tribe who is domiciled within Kansas and ineligible for assistance under a tribal family assistance plan approved under Section 412 with equitable access to assistance under this plan.
- Kansas has established and is enforcing standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks and the use of political patronage.

Phyllis Gilmore
Secretary, Department for Children and Families

Date

Appendix 1: TANF Cash Assistance Eligibility, Benefits, and Time Limits

Eligibility. TANF eligibility is restricted to those families whose resources and countable income do not exceed budgetary standards. In determining countable income, consideration is given to the income of all mandatory filing unit members, including parents, stepparents and cohabiting partners of the legally responsible adult in the home and all children of the parents, stepparents and cohabiting partners in the home and their natural or adopted siblings (except the income of SSI recipients is excluded). Other persons in a household may be included at the household's discretion if they are related by blood or marriage within the degree of relationship specified in the Kansas Economic and Employment Services Manual (KEESM) or a legal guardian, conservator or custodian. If included, their income and resources are also considered. All school age children between the ages of 7 and 18 must be enrolled in school, including home schooling, in order for the family to be eligible for assistance.

- **Persons Moving to Kansas from Another State.** Persons moving to Kansas from another state will be treated no differently than Kansas residents. They will be eligible for the same benefits and services. Their need and payment standards will be identical to those of other Kansas residents in the same county with the same household size.
- **Assistance for Immigrants.** Kansas will provide TANF-funded assistance to all qualified aliens allowed by PRWORA. Non-excepted qualified aliens arriving on or after Aug 22, 1996, are barred from receiving TANF assistance for their first five years in the United States. Once the five-year bar has expired, those qualified aliens will be eligible for TANF-funded assistance. Eligible non-citizens will have eligibility and benefits determined in the same manner as citizens.
- **Drug-related Felonies.** Any person convicted on or after July 1, 2013 of a state or federal felony offense, which includes an element of the offense of manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog is ineligible for TANF for five years from the date of the conviction for a first offense. Second offenses occurring after July 1, 2013 are ineligible for TANF for their lifetime.
- **Drug Testing.** The Kansas legislature passed legislation mandating suspicion-based drug testing for applicants and recipients when there appears to be unlawful use of a controlled substance or controlled substance analog. Implementation of this statute was July 1, 2014. The definition of a controlled substance and the list of such substances, is defined in K.S.A. 65-4105 and 65-4107. The definition of a controlled substance analog is that which is intended for human consumption, has a chemical structure of which is substantially similar to the chemical structure of a controlled substance and which has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to a controlled substance. Penalties for those who test positive for unlawful use of a controlled substance or controlled substance analog are:
 - For first failures, ineligibility for the individual results until substance abuse treatment and a skills training course is complete.
 - For second failures there is one year of ineligibility and the individual must undergo substance abuse treatment and a skills training course.
 - For third or subsequent failures, there is lifetime ineligibility for TANF assistance for the individual.
 - Penalties for refusals to test are:
 1. Individuals who refuse to submit to drug testing will be ineligible for TANF for six months for the first refusal.
 2. For second refusals, the individual will be ineligible for TANF for 12 months.
 3. For third refusals, there is lifetime ineligibility for TANF.

To regain eligibility after a refusal, an individual must complete drug testing and skills training.

- **Fraud.** Adults who are found to have committed fraud, either through an administration disqualification hearing or by a court of appropriate jurisdiction or who have signed either a waiver of right to an administrative disqualification hearing or a disqualification consent agreement in cases referred for prosecution, render themselves and their household ineligible to participate in TANF and child care for their lifetime.

Time Limit. With the exception of households receiving a diversion payment, eligibility for TANF ceases once one adult in the family has received TANF cash assistance for 48 months whether or not consecutive. Members of households receiving a diversion payment are limited to a lifetime maximum of 42 months of assistance. Cases that have closed after reaching the 48-month time limit in another state are not eligible for TANF cash assistance in Kansas.

The State will provide hardship exemptions, up to a maximum of 60 months, to the time limit for TANF households based on the following criteria:

- Is a caretaker of a disabled family member living in the household;
- Has a disability which precludes employment on a long-term basis or requires substantial rehabilitation;
- Needs a time-limit extension to overcome the effects of domestic violence/sexual assault;
- Is involved with Prevention and Protection Services (PPS) and has an open social service plan verified by PPS;
- Is determined by the 48th month to have a hardship other than what is designated in criteria 1 – 4.

Benefit Determination. Cash payments for persons in their own home are based on standardized allowances for basic needs, such as food, clothing, utility, household and personal needs and shelter. The amount of direct cash assistance paid to a family is based on the difference between the need standard and countable income. The financial criteria are applicable for both state and federal funding. Changes to income and resource guidelines or the need standards are announced in the Kansas Register with a 30-day period for public comment.

- **Income and Resources.** Certain income and resources are exempt for all assistance plan members, including:
 - the home in which the family resides
 - household assets of less than \$2,000
 - educational accounts for minors (529 plans)
 - vehicles
 - household equipment and furnishings in use, personal effects and tools in use
 - earnings of children
 - \$90 plus 60 percent of adult recipient's earnings
 - funds in an individual development account (IDA) earmarked for the purpose of post-secondary education, first-time home purchase, business capitalization (as the above are defined in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996), and/or assistive technology
 - certain annuities when payments are being paid out and counted as income.
- **Benefit Structure.** A percentage reduction of the shelter allowance is included in the standard for persons in shared living arrangements. The following table reflects the maximum need and payment standards:

Family Size	Rural County	High-Cost Rural County	High-Population County	High-Cost/High-Population County
<i>Non-shared Living Arrangements</i>				
1	\$224	\$229	\$241	\$267
2	309	314	326	352
3	386	391	403	429
4	454	459	471	497
5	515	520	532	558
6	576	581	593	619
7 or more	Add \$61 for each additional person			
<i>Shared Living Arrangements</i>				
1	168	170	175	186
2	263	265	271	284
3	349	352	359	375
4	421	425	432	449
5	487	490	499	517
6	557	561	571	592
7 or more	Add \$61 for each additional person			

- ***Limitations on Use of TANF Cash Assistance.*** Kansas has implemented policy stating no TANF cash assistance may be transacted/used in any liquor store; any casino, gambling casino or gaming establishment; or any retail establishment which provides adult oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment. No TANF cash assistance benefits may be used to buy non-food items such as alcohol, cigarettes, tobacco products or lottery tickets. This policy is stated on the application, on the approval notice and on the Kansas Benefit Card.

Kansas is contracting with FIS and its Fraud Navigator Cash Blocking capability. The Fraud Navigator allows for identification of usage by a client and transaction blocking by establishment. The Fraud Navigator tools are based on:

- Merchant Category Codes (MCC) (liquor stores, casino, etc);
- ATM Terminal IDs (located in casinos, adult entertainment sites, etc.); and
- Point-of-Sale terminal IDs (liquor store located in a grocery store the terminal located at the liquor store would be blocked).

The Fraud Navigator not only allows for restricting access to benefits, but also allows for monitoring and reporting on benefits used for restricted transactions.

Individuals who use TANF cash assistance in this manner are to be referred to DCF's Fraud Unit for prosecution.

Cash recipients will continue to have adequate access to benefits. The current EBT contractor is required to ensure access within 25 miles to any recipient and provide at least one point of access in

every county. No transactions will be allowed at MCC sites identified as restricted. However, ATM and POS would be utilized to ensure benefit access in remote areas. There is no place in Kansas where there is not adequate access for use of an EBT card, however, we continually monitor if restricting benefits adversely affects adequate access to benefits. If there is an identified access desert, DCF will resolve this on a case-by-case basis.

ATM transactions are assessed a fee of \$1, not including the bank's ATM fee. A client will not be charged for a cash purchase or a purchase with cash back. Clients receive two free POS transactions per month. Additional POS transactions cost an additional forty cents per transaction. An EBT brochure is provided with each EBT card outlining usage, policy and fees associated with the use of the EBT card.

The Kansas EBT Project Team meets regularly with the vendor to implement the Fraud Navigator software and enforce the restrictions limiting access to benefits. As the Kansas EBT ProjectTeam identifies and prioritizes the best use of these newly-obtained tools, the team will work with our vendor, FIS, to have written agency processes and practices in place by the end of FFY 2014.

- ***Child Care Disregards.*** Child care disregards are generally claimed only for the month of application when an eligible working family has already incurred an expense. The State collects no data on the type of child care providers used in these very limited situations. During the period of applicant job search and following approval of assistance, the State pays child care expenses directly and has data available on the types of child care providers used.

Appendix 2: TANF Employment Services

The definition of work, support services, transitional services, the consequences for failing work requirements follow. All work activities listed in Section 407 are included in the State's definition of work. Program rules specify staff must assign all participants to a primary component for at least 20 hours per week unless a compelling reason exists not to do so. Staff performance is evaluated based on compliance with this requirement. Management reports to monitor this compliance have been developed. Participants who do not comply with their assigned work activities are sanctioned as described below.

Definition of Work. The following activities meet the State's definition of work that is used for federal participation:

- **Unsubsidized Employment:** This activity includes employment that is full or part time including: self-employment, apprenticeship and internship/practicum that pays a wage or salary.
- **Subsidized Public Employment:** Contracted employment such as temporary staffing in the public sector, work study, Job Corps or WIA-paid work experience in which the wages are subsidized by state monies through DCF, the State educational system or other State agency.
- **Subsidized Private Employment:** Employment in the private sector in which the wages are subsidized by State monies through DCF, the State educational system or other State agencies. This could include, but is not limited to, work study, WIA work experience, temporary staffing and other work experience opportunities.
- **Work Experience:** An unpaid, supervised assignment to help the client develop work history, improve work habits and increase self-confidence and esteem. Work experience may occur in the public or private sector. (Displacement policies and procedures are detailed in Appendix 3.)
- **On-the-Job Training:** Paid employment that provides significant and/or additional training in the knowledge and skills necessary to perform one's job. Training would be based on a well-defined plan and may be subsidized or unsubsidized, in either the public or private sector. (Displacement policies and procedures are detailed in Appendix 3.)
- **Supervised Community Service:** Work that is performed for the direct benefit of the community and the individual in a variety of capacities while under supervision. This includes, but is not limited to Americorps, VISTA, faith-based organizations, probation conditions, substance abuse recovery centers, animal shelters, etc.
- **Vocational Education:** Employment training that is intensive and skill-specific that prepares individuals for employment in current or emerging occupations.
- **Job Search/Job-readiness:** The following are considered job search/job readiness for those who are otherwise employable:
 - **Individual or Group Job Search:** Supervised individual job search or workshops designed to build job search competency and support the individual in searching and interviewing for job openings.
 - **Job-readiness:** This includes, but is not limited to community or agency workshops and/or support groups designated to enhance life skills and remove barriers that may prevent

obtaining and retaining employment including rehabilitation activities such as short-term physical therapy.

- Job-readiness Case Management: One-on-one services to help remove employment barriers and assist the participant in learning and adhering to employers general expectations.
- Job-skills Training Directly Related to Employment: Training that is customized to job specific education or skills and is limited to fulfilling one's employment goals.
- Education-related to Employment: Education activities that include Adult Basic Education, English as a Second Language and other courses assigned for individuals whose educational history prevents gainful employment or access to training for such employment.
- Secondary School Attendance: This activity includes participant's efforts toward GED and/or completing a high school degree, particularly those under 20 years of age.

Support Services. The following support services are available to persons who are engaged in work or work activities:

- Transportation Assistance. The amount of payment is based on individual need.
- Special Services Allowance. This allowance is used to obtain goods and services needed for employment or participation in a work activity. This includes, but is not limited to, vehicle purchase, uniforms, tools and car repair.
- Relocation Allowance. Up to \$1,500 is available to pay rent, deposits, and moving costs when the move is to accept a verified offer of employment.
- Volunteer Family Mentor. One-on-one support for generalized life management and parenting skills as well as work adjustment services.
- Education/Job Skills Training/Vocational Education Costs. This includes funding for tuition, books, fees, mandatory supplies and uniforms for approved plans.
- The total of the above support services may not exceed \$5,000 per TANF client each 12 month period without the approval of EES supervisors on a case-by-case basis.
- Employment Services. These are case management and contracted job retention services necessary to help an individual retain employment.
- Child Care. All persons who receive cash assistance or who meet the income eligibility guidelines of the child care subsidy program may receive child care assistance if needed for employment, education or training. For those not on cash assistance, the amount of child care subsidy assistance is determined based on income.
- Work Incentive Payments: Effective Jan 1, 2009, incentive payments are given to participants, who would otherwise become ineligible for TANF due to excess earned income, during the first five months of their employment. For the Work Incentive Payment the gross income limit is set at the Kansas median income of \$56,857. The Work Incentive Payment will continue to count towards the 48-month time limit.

Transitional Services. TANF offers persons leaving cash assistance the following transitional services for up to 12 months:

- Transportation assistance
- Special Services Allowance (to purchase goods and services necessary for employment)
- Case management services
- Contracted employment services (job retention services necessary to help an individual retain employment)
- All persons who receive cash assistance or who meet the income-eligibility guidelines of the child care subsidy program may receive child care assistance if needed for employment, education or training. For those not receiving cash assistance, the amount of child care subsidy assistance is determined based on income. There is no family share for the first two months after cash assistance ends.

Failure to Meet Program Requirements. If a parent refuses to comply with the work activities outlined in his/her self-sufficiency plan or with child support enforcement requirements without good cause, the entire family loses all TANF assistance. Penalties are applied in a tiered manner. The first non-cooperation renders the household ineligible for three months, the second penalty six months, the third penalty one year, and the fourth and subsequent penalty 10 years. The household must cooperate prior to the case reopening.

To ensure that sanctions and determinations of ineligibility are applied uniformly and appropriately, the following guidelines are applied in all instances of work program and child support enforcement non-cooperation:

- There is documented evidence that the person was made aware of the specific participation requirement.
- There is documented evidence that the person was informed of the consequences for failing to meet the specific expectations.
- The expectations are realistic for the person to complete.
- At the point non-cooperation is first reported or discovered, the EES worker checks with PPS to determine if there is any child welfare activity that might support good cause for the parent's failure to meet requirements. If good cause is not established, the EES supervisor reviews the case circumstances before the worker can take final action to apply the penalty

Good Cause Criteria. An individual is deemed to have good cause for failure to meet work-related requirements if the individual presents the following verification:

- The person was exempt at the time of the failure;
- There was no bona fide offer of employment or training;
- The person was incapable of performing the work or training;
- The work or training was dangerous or hazardous according to OSHA standards;
- The payment offered for employment was less than the federal minimum wage;
- Child care or adult day care was necessary for an individual to participate, such care was not available and the agency failed to provide such care;
- The total daily commuting time exceeded two hours or the community standard, whichever is longer, not including the transporting of a child to and from a child care facility;
- The failure occurred during the two month postpartum period following pregnancy termination;
- The person was a victim of family violence whereby compliance with program requirements would increase risk of harm for the individual or children in the home; and/or
- The single custodial parent was unable to obtain needed child care for a child under six due to one or more of the following reasons:
 - Unavailability of appropriate child care within a reasonable distance from the individual's home or work site.
 1. Appropriate Child Care: A regulated facility that meets or exceeds minimum licensing and registration regulations. A non-regulated, legally-exempt provider

who has completed a Health and Safety Standards Check List CC-1631 and maintains a facility that meets or exceeds minimum standards.

2. Reasonable Distance: Total daily transport time to and from home to the child care provider does not exceed two hours or the community standard, whichever is longer.
 - Unavailability or unsuitability of informal child care by a relative or under other arrangements. Care for which DCF would not enter into a provider agreement, including a relative who is unwilling to care for child, age inappropriateness, or documentation of family services/protective services case histories.
 - Unavailability of appropriate and affordable formal child care arrangements (and the agency fails to provide such care). The family has sufficient income or assistance through the child care subsidy program to pay the costs of care.

The procedure for determining the unavailability of appropriate child care is based on client self-declaration. DCF requests the help of the appropriate local child care resource and referral network to verify the unavailability of appropriate child care and explores the clients' options with them when it seems prudent to do so.

Appendix 3: Work Experience and On-the-Job Training Work Displacement Policy

DCF is responsible for resolving displacement complaints arising as a result of a TANF recipient's participation in a work experience or on-the-job (OJT) training placement. DCF provides a notice regarding employees' non-displacement rights to all work places that utilize work experience and OJT participants and notifies the workplace that the notice is to be posted in locations where currently-employed staff may review them.

Grievance Procedures. Many private employers have established their own employment related grievance procedures, and these procedures are utilized when available. If the employer's procedures do not lead to satisfactory results for the complainant, or if the employer has not developed an employee grievance process, the following grievance procedures are utilized:

- **Step 1:** The complainant may file a written grievance with the DCF Regional Director or designee, requesting an informal resolution, or the complainant may file a written grievance directly to the designated state hearing officer. The written grievance shall contain the following information and shall be filed with either the DCF Regional Director or designee an informal resolution if desired or with a qualified State hearing agency if desiring a formal resolution within 30 working days of the occurrence complained of:
 - Date of occurrence
 - Place of occurrence
 - Time of occurrence
 - Names of witnesses to the occurrence;
 - Narrative of occurrence
 - Previous training counseling, and discipline related to the occurrence
 - Whether a grievance was pursued through the private employer, and if so, the result and documentation of the result

If the written grievance is filed with the DCF Regional Director or designee, the local office has 14 days from the date the written grievance is received to investigate and provide a written decision to the complainant and responder. If the written grievance is filed with the qualified hearing agency, the grievance will follow the same procedures utilized in Step 2 as appeals of local office decisions.

- **Step 2:** If the decision reached by the DCF Regional Director or designee fails to meet the complainant's satisfaction, the complainant has five days from the receipt of an DCF Regional Director's or designee's decision to request an impartial hearing appealing the DCF Regional Director or designee's decision. The DCF Regional Director or designee must ensure that an impartial hearing is conducted by a qualified state hearing officer within a reasonable amount of time not to exceed 60 days.

If the complainant decides to bypass the informal resolution and desires formal resolution, as stated in Step 1, the grievance must be filed with a qualified State hearing agency within 30 days of occurrence, containing the information outlined in Step 1, and the complainant must receive a hearing within 60 days from the date the complaint is filed.

The State hearing agency will schedule a hearing within 45 days of the receipt of the written grievance or appeal. The complainant and respondent shall receive written notice of the hearing date at least 10 days prior to the hearing. This written notice shall contain the date, time and place of hearing. The hearing shall occur on the record and the complainant and respondent will have the opportunity to present evidence, bring witnesses, cross examine witnesses, be represented by counsel and receive a written final decision.

The complainant may request a continuance of the hearing for up to a 10-day continuance but in no instance shall the hearing exceed the 60-day requirement from the original filing of the grievance or the appeal.

The written final decision of the impartial hearing board shall contain findings of fact, supporting evidence and conclusions of law. This written decision shall be issued within 25 days from the hearing date and in no instance can exceed 90 days from the date of the originally filed grievance or appeal.

- ***Appeals to the Secretary of Labor:*** Should the decision of the State issued through the qualified hearing board fail to satisfactorily resolve the grievance, the complainant can appeal the State decision to the Office of Administrative Law Judges, U.S. Department of Labor, Vanguard Building, Room 600, 1111 20th Street NW, Washington, D.C. 20036.

This appeal must be filed with the Office of Administrative Law Judges within 20 days of receipt of the State's final decision. The complainant shall send copies of the appeal to the Assistant Secretary for Employment and Training, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, D.C. 20210 and to the Assistant Secretary for Family Support, Department of Health and Human Services, 370 L'Enfant, Promenade SW, 6th Floor, Washington, D.C. 20447.

The appeal must contain the following:

- The full name, address and telephone number of the complainant
- The provisions of the statute or regulations believed to have been violated
- A copy of the original complaint filed by the complainant with the State
- A copy of the State's findings and decision regarding the appellant's complaint

Appendix 4: State Administrative Appeal Process

Appeal Rights/Process. Current applicants/recipients, former applicants/recipients or other interested persons (including vendors) who are dissatisfied with any action concerning the furnishing or denial of TANF assistance have the right to conciliation, an administrative review, a fair hearing and a review by the State Appeals Committee. Once those avenues have been exhausted, the matter may be appealed to the district court.

Request for Fair Hearing. A request for an administrative review must be made within 30 days of the agency decision.

- Every participant is informed in writing of the right to a fair hearing and the method of obtaining such a hearing on the notice of action and at the time of any subsequent action affecting social services.
- A request for a fair hearing must be submitted in writing within 30 days of the agency decision to the Administrative Hearings Section or to the local/regional office.
- The local DCF office must submit to the Administrative Hearings Section an appeal summary within 15 days of the receipt of the request. The summary must set forth the following information:
 - Identifying information, including the participant's name, address, sex, age, members of the household and telephone number;
 - Name(s) and title(s) of local staff who will represent the agency at the hearing;
 - A concise summary stating why the participant is filing a request for a fair hearing;
 - A brief chronological summary of the agency's action(s) in relationship to the participant's request for a fair hearing;
 - A citation of applicable policies relied upon by the local/regional office;
 - A copy of the notice sent to the participant of the decision/action in question; and
 - Copies of applicable correspondence, service plans, etc.
- Services will not be suspended, reduced or discontinued if a fair hearing request is received prior to the effective date of action (but is subject to recovery by the agency if its action is sustained), until an initial decision of the hearing officer is rendered in the matter, unless:
 - The request for a hearing concerns the suspension of program payments to a provider
 - A change (except the matter under appeal) affecting the recipient's service eligibility status occurs while the hearing decision is pending and the recipient fails to request a hearing after notice of the change.

In any case where action was taken without timely notice, if the recipient requests a hearing within 10 days of the mailing of the notice of the action, and the agency determines that the action resulted from other than the application of federal or state law or policy or a change in federal or state law, services shall be reinstated and continued until a decision is rendered, except as set forth above.

Recipients are promptly informed in writing if services are to be terminated pending the fair hearing decision.

- The fair hearing decision is implemented on the 18th day following the decision being mailed to the client and local/regional office, unless an application for review is filed by the participant with the state appeal committee within the 15-day period unless otherwise advised by counsel. The fair hearing decision shall be automatically stayed until the application for review is disposed.
 - When the hearing decision is favorable to the participant, the agency promptly makes corrective payments from the date the incorrect action was taken.

- When the hearing decision upholds agency action, any overpayment made during the fair hearing process is recovered.

Dismissal of Request for Fair Hearing

Dismissal of a fair hearing request is solely a function and duty of the Administrative Hearing Section.

Dismissal can occur if:

- The request is received more than 30 days from the date of decision or requests for agency action.
- The request is withdrawn by the applicant.
- The request concerns the validity of a federal or state law, regulation.
- An appellant, without good cause, fails to appear (by himself/herself or by an authorized representative) at the hearings scheduled for the appellant.
- The request concerns an issue that the appellant is already raising against the agency in a court of law.
- See *Kansas Administrative Regulations 30-7-64 through 30-7-79*.

Appendix 5: Disclosure of Information about Individuals and Families Receiving Assistance

These rules are found in the Kansas Administrative Regulations 30-4-40.

Information to be Safeguarded:

- Names and addresses, including a list of recipients;
- Information related to the social and economic conditions or circumstances of a particular individual including wage information obtained from the agency administering the state unemployment compensation laws, the Social Security Administration or the Internal Revenue Service;
- Agency evaluation of information about a particular individual; and
- Medical data, including diagnosis and past history of disease or disability, concerning a particular individual.

General Procedures Regarding Disclosure of Information:

- Determine if the rules and guidelines in this manual section restrict or allow the disclosure of the information.
- Obtain clearance from supervisor or area director, and/or agency attorney before disclosing information when there is doubt about the legitimacy of its disclosure.
- Temporarily restrict the disclosure of information until:
 - The records can be arranged so as not to disclose non-requested or other privileged information.
 - Adequate supervision of the record can be provided when the request is for case record inspection or copying.
 - Required or requested clearance or consent to disclose the information has been received.
- Document in the case record what information was disclosed, to whom, and the date of disclosure.

Exception: Information disclosed to DCF employees in the performance of official duties.

Case Information Made Available to the Participant:

Information entered in the case record, unless already purged, is made available for inspection and copying upon request of the participant or the participant's guardians at a time mutually agreeable to the agency and client or guardian, except as set forth below:

- Case information is not disclosed over the telephone.
- Information provided by other DCF programs such as Supplemental Nutrition Program, Rehabilitation Services, and Mental Health providers is not made available to the participant.
- Second party information (medical, psychiatric, or investigative reports, social histories, summaries, evaluations, school records, etc.) compiled and provided by medical practitioners or non-DCF professionals/agencies and DCF summaries of these documents are not released.
- When a specific request for disclosure of second party information is received, the participant/guardian is advised that the information must be obtained directly from the practitioner, professional, or agency who compiled the information unless the second party provides DCF with a signed written consent to disclose the information.
- The names and addresses of complainants or informants are not made available to the participant.

Case Information Available to DCF Employees:

Case information is disclosed to DCF employees only when the information is needed in the performance of official duties.

- Information is not disclosed over the phone unless the caller has adequately identified him/herself by name, DCF position and place of DCF employment.
- Information concerning a recipient is not disclosed to another DCF employee without the signed written consent of the recipient unless the purpose of such disclosure is connected with the

administration of a state or federally-assisted program which provides assistance, in cash or in kind, or services directly to individuals on the basis of need for which the employee is responsible.

- When there is some question as to the disclosure of information to another DCF employee, the question is referred to the DCF regional director for clearance.

Case Information Available to Non-DCF Employees/Sources:

All case information is disclosed to auditors performing official auditing duties after they have adequately identified themselves by showing official identification credentials.

Information may be disclosed to non-DCF employees/sources (courts, legislators, defense attorneys, prosecuting attorneys, police offices, FBI agents, doctors, service agencies, landlords, creditors, loan agencies, relatives, news media, etc.), if such disclosure is based upon one of the following situations:

- When the participant/guardian consents to disclosure in writing and has been granted access to the information to be disclosed (Exception: information may be disclosed without written consent of the participant/guardian in emergency situations, such as death, confirmed abuse, neglect, exploitation, and accident, if disclosure is deemed to be in the best interest of the participant).
- When the disclosure of information is directly connected to the administration of DCF programs, such as establishing eligibility and providing services which includes obtaining services from non-DCF agencies/individuals through purchase or without cost.

Following are some guidelines for disclosure under this situation:

- Only that information necessary to accomplish the purpose of the disclosure is disclosed
- Second party information is disclosed only when written, signed permission is obtained from the individual/agency who compiled and submitted the information to DCF
- Information is disclosed to individuals or representatives of non-DCF welfare agencies or programs only when they give assurances that:
 - The confidential character of the information will be preserved
 - The information will be used only for the purpose for which it is made available
 - The standards of confidentiality established by the non-DCF agency/individual requesting the information must be at least equal to those established by DCF itself with regard to information by staff and the provision of office procedures regarding confidentiality. These assurances are provided when there is a service contract with DCF
- When disclosure concerns the intent of a participant to commit a crime, such information and the information necessary to prevent the crime is disclosed to the appropriate authorities
- When the disclosure is directly connected to an investigation, prosecution or civil proceeding conducted in connection with the administration of DCF programs
- When the disclosure is authorized by a state plan/agreement developed by DCF in accordance with the federal Social Security Act or any other federal programs providing federal financial assistance and services; for example, SSI, OASDI, Title I - Department of Education, federal auditors

Court Testimony

If staff are served with subpoenas or other court orders to produce records and/or testify in court concerning client information which is not authorized to be disclosed, they shall:

- Notify legal staff;
- Appear with the records, subpoenas, if any, at the time and place stated in the subpoena unless otherwise instructed by a DCF attorney;
- Make the following statement (after being sworn in) in response to the first material statement: "The information you seek is confidential and privileged, and I am authorized to disclose that information only upon an order from the court to do so";

- Provide the court and each attorney with a copy of the statement which also include the references; and
- Testify further according to the ruling and instructions of the court.

Unauthorized Disclosure of Confidential Information

A DCF employee who knowingly discloses confidential information concerning an applicant or recipient (present or past) in violation of the provisions set forth in this section is subject to:

- Appropriate disciplinary action (official reprimand, suspension, demotion, dismissal, etc.).
- Criminal prosecution, and if convicted may be fined up to \$1,000 and/or sentenced to the county jail for a period not to exceed six months.